

ORDINANCE _____

AN ORDINANCE related to land use, zoning and environmental review, amending Sections 23.40.006, 23.42.040, 23.42.050, 23.44.014, 23.44.041, 23.45.504, 23.45.532, 23.45.545, 23.47A.005, 23.47A.008, 23.54.015, 23.54.016, 23.54.020, 23.55.002, 23.55.003, 23.55.012, 23.55.022, 23.55.024, 23.76.004, 23.76.006, 23.84A.032, 23.86.006, 23.91.002, 25.05.680, 25.05.800 and Chapter 23.52 of the Seattle Municipal Code, and adding new Sections 23.40.035, 23.52.008 and 23.76.067 to carry out proposals for regulatory reform.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.40.006 Demolition of Housing

No demolition permit for a structure containing a dwelling unit shall be issued unless one of the following conditions is satisfied, and provided that no permit for demolition of a structure containing a dwelling unit may be issued if the new use is for non-required parking:

A. The structure is a residential use in a single family zone that ~~((was last occupied as rental housing and))~~ has been unoccupied as rental housing for at least 12 consecutive months, unless such demolition aids expansion of a non-residential use; or

B. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; or

C. A permit or approval has been issued by the Director to relocate the structure containing a dwelling unit to another lot, whether within the City limits or outside the City limits, to be used, on the new lot, as a dwelling unit; or

* * *

Section 2. A new Section 23.40.035 of the Seattle Municipal Code is adopted to read as follows:

23.40.035 Location of accessory dwelling units on through lots

On a through lot, when yards cannot be determined pursuant to Section 23.40.030, the Director shall designate a rear yard for the purpose of allowing a detached accessory dwelling. In making the designation of a rear yard, the Director shall consider factors including but not limited to the location of existing structures, vehicular and pedestrian access, platting pattern and topography.

Section 3. Section 23.42.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123565, is amended as follows:

23.42.040 Intermittent, temporary and interim uses

The Director may grant, deny or condition applications for the following intermittent, temporary or interim uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one year may be authorized for any use that occurs no more than ~~((two))~~ three days per week and does not involve the erection of a permanent structure, provided that:

a. The use ~~((shall))~~ is not ~~((be))~~ materially detrimental to the public welfare; and

b. The use ~~((shall))~~ does not result in substantial injury to the property in the vicinity; and

c. The use ~~((shall be))~~ is consistent with the spirit and purpose of the Land Use Code.

~~B. ((Temporary Four Week Use. A Master Use Permit for a time period of up to four weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of subsections 23.42.040.A.1.a — 23.42.040.A.1.e.))~~ Reserved.

C. Temporary Uses for Up to ~~((Six Months))~~ One Year. A Master Use Permit for a time period of up to ~~((six))~~ twelve months may be authorized for any use that does not involve the erection of any permanent structure and that meets the requirements of subsections 23.42.040.A.1.a – 23.42.040.A.1.c.

Section 4. Section 23.42.050 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright in that dwelling unit in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, in each case subject to the standards of this ~~((s))~~ Section 23.42.050.

A. The occupation shall be clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and collections.

1. Commercial deliveries and pickups to the dwelling unit ~~((shall be))~~ by vehicles up to a gross vehicle weight of 10,000 pounds are allowed Monday through Friday, and are limited to ~~((one))~~ two per day on Saturday, Sunday and federal holidays.

2. Commercial deliveries and collections by vehicles exceeding a gross vehicle weight of 10,000 pounds are limited to two per day Monday through Friday. No commercial deliveries or pickups by vehicles exceeding a gross vehicle weight of 10,000 pounds ~~((shall be))~~ are permitted on Saturday, Sunday or federal holidays.

~~((C. To discourage drop in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.))~~

1 C. Customer visits shall be by appointment only.

2 D. The occupation ~~((shall))~~ may be conducted ~~((only))~~ within ~~((the principal))~~ any
3 structure, ~~((or in an accessory dwelling unit))~~ provided that licensed child care may be conducted
4 only in the principal structure or in an accessory dwelling unit.

5 E. Parking of vehicles associated with the home occupation ~~((shall be))~~ is permitted
6 anywhere that parking is permitted on the lot.

7 ~~((E.))~~ F. To preserve the residential appearance of the dwelling unit, there shall be no
8 evidence of the home occupation visible from the exterior of the structure~~((;))~~, provided that:

9 1.~~((;))~~Outdoor play areas for licensed child care programs and outdoor activities
10 customarily incidental to the residential use ~~((shall be))~~ are permitted.

11 2. Interior and exterior alterations and additions that are consistent with the
12 development standards of the underlying zone are permitted.

13 3. Alterations and additions that are required by licensing or construction codes
14 for licensed child care programs are permitted.

15 4. Signs identifying the home occupation are permitted subject to compliance with
16 Chapter 23.55, Signs.

17 G. No outdoor storage ~~((shall be))~~ is permitted in connection with a home occupation.

18 ~~((F. To preserve the residential character and use of the dwelling unit, only internal~~
19 ~~alterations customary to residential use shall be permitted, and no external alterations shall be~~
20 ~~permitted to accommodate a home occupation, except as required by licensing or construction~~
21 ~~codes for child care programs.))~~

22 ~~((G.))~~ H. Except for licensed child care programs, ~~((not))~~ no more than ~~((one))~~ two
23 persons~~((, whether full-time or part-time, who is not a resident))~~ who are not residents of ~~((the))~~ a
24 dwelling unit on the lot may work in ~~((the dwelling unit of the))~~ a home occupation, regardless of
25 whether the persons work full or part-time or are ~~((whether or not))~~ compensated. ~~((This includes~~

~~persons working off site who come to the site for business purposes at any time as well as persons working on site.))~~

~~((H-))~~I. The home occupation shall not cause ~~((or add to))~~ a substantial increase in on-street parking congestion or ((cause)) a substantial increase in traffic ((through residential areas)) within the immediate vicinity.

~~((I-))~~J. A maximum of two passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of 10,000 pounds ~~((shall be))~~ are permitted to operate in connection with the home occupation, independent of deliveries and pickups as provided for in subsection 23.40.050.B.

~~((J-))~~K. The home occupation shall be conducted so that noise, odor, smoke, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

~~((K- Signs are regulated by Chapter 23.55.))~~

L. Licensed ~~((C-))~~child care programs in the home of the operator are limited to 12 children per day including the children of the operator.

Section 5. Section 23.44.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

A. Front Yards.

1. The front yard depth shall be either the average of the front yards of the single-family structures on either side or ~~((twenty (20)))~~ 20 feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of ~~((sixty (60)))~~ 60 feet or the full depth of the lot, whichever is less, is in

excess of ~~((thirty-five (35)))~~ 35 percent, the required front yard depth shall be either ~~((twenty (20)))~~ 20 feet less one ~~((4))~~ foot for each one ~~((4))~~ percent of gradient or slope in excess of ~~((thirty-five (35)))~~ 35 percent, or the average of the front yards on either side, whichever is less.

3. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard ~~((requirements))~~ provisions shall not apply to the lot, except pursuant to Section 23.40.030 or 23.40.035.

4. A larger yard may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

Section 6. Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.44.041 Accessory Dwelling Units

B. Accessory dwelling units, detached, additional provisions. ~~((A detached accessory dwelling unit is also known as a backyard cottage.))~~ The Director may authorize a detached accessory dwelling unit, also known as a backyard cottage, and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and the following additional conditions:

1. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established pursuant to Section 23.60.010.

2. Detached accessory dwelling units are required to meet the additional development standards set forth in Table B for 23.44.041:

Table B for 23.44.041 Development Standards for Detached Accessory Dwelling Units¹	
a. Minimum Lot Size	4,000 sq. ft.
b. Minimum Lot Width	25 feet
c. Minimum Lot Depth	70 feet ²
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.
e. Maximum Rear Yard Coverage	A detached accessory dwelling unit,

Table B for 23.44.041
Development Standards for Detached Accessory Dwelling Units¹

	together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40% of the rear yard.				
f. Maximum Gross Floor Area	800 sq. ft. including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.				
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, <u>except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.</u>				
h. Minimum Side Yard	The provisions of subsection 23.44.014.C apply. ⁷				
i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{3,4}				
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
((k. Maximum Height Limits⁵))	((The roof peak of the detached accessory dwelling unit may not extend more than 15 feet above the roof peak of the principal dwelling unit and must comply with the height limits set forth in the table below.))				
<u>k. Maximum Height Limits⁵</u>	Lot Width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50	50 or greater ⁶
(1) Maximum Structure Height (feet)	12	14	15	16	16

Table B for 23.44.041 Development Standards for Detached Accessory Dwelling Units ¹					
(2) Maximum Structure Height with Pitched Roof (feet)	15	21	22	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit A for 23.44.041.	15	18	19	20	20
1. Minimum Separation from Principal Structure	5 feet				
Footnotes:					
1. The Director may allow an exception to standards a-f, h, i and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.					
2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 sq. ft., a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.					
3. If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.					
4. On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.					
5. Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height. The additional height for sloped lots permitted by subsection 23.44.012.B does not apply.					
6. Detached accessory dwelling units may also be built to the maximum height limits listed in this column if both of the following conditions are met: a) the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley; and b) the width of the lot is <u>greater than</u> 40 feet (or greater)).					
7. The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.					

3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, except pursuant to Section 23.40.030 or 23.40.035, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsections 23.44.041.A.4 and standards a-f, h, i and j listed in Table B for ((~~23.44.041~~)) 23.44.041, provided the conversion does not increase the structure's nonconformity with the

standard and the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory structure.

Section 7. Section 23.45.504 of the Seattle Municipal Code, which section was last amended by Ordinance 123547, is amended as follows:

23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504: Permitted and Prohibited Uses

Uses	Permitted and Prohibited Uses by Zone		
	<u>LR1</u>	((LR1,)) LR2((,)) and LR3	MR and HR
A. Residential use	<u>P</u>	P	P
B. Institutions	<u>P/CU</u> ¹	P/CU ¹	P/CU ¹
C. Uses in existing or former public schools			
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit	<u>P</u>	P	P

	Permitted and Prohibited Uses by Zone		
Uses	<u>LR1</u>	(LR1,) LR2((;)) and LR3	MR and HR
libraries, community centers, community programs for the elderly and similar uses in existing or former public schools.			
C.2. Other non-school uses in existing or former public schools	<u>Permitted pursuant to procedures established in Chapter 23.78</u>	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and pool and park and ride lots	<u>X/CU</u> ²	X/CU ²	X/CU ²
E. Parks and playgrounds including customary uses	<u>P</u>	P	P
F. Ground floor commercial uses	<u>X/RC</u>	<u>P</u> ³ /RC	P ³
G. Medical Service Uses other than permitted ground floor commercial uses	<u>P/X</u> ⁴	P/X ⁴	P/CU/X ⁴
H. Uses not otherwise permitted in landmark structures	<u>CU</u>	CU	CU
I. Cemeteries	<u>P/X</u> ⁵	P/X ⁵	P/X ⁵
J. Community Gardens	<u>P</u>	P	P
K. All other uses	<u>X</u>	X	X
<p>1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.</p> <p>2. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.</p> <p>3. Subject to subsections 23.45.504.C and 23.45.504.E((-)), commercial uses and outdoor sales uses are permitted in Lowrise 2 and Lowrise 3 zones that are located within an Urban Center or the Station Area Overlay District.</p> <p>4. Subject to subsection 23.45.504.G and 23.45.506.F.</p>			

	Permitted and Prohibited Uses by Zone		
Uses	<u>LR1</u>	(LR1,) LR2((5)) and LR3	MR and HR
<p>5. Subject to subsection 23.45.504.F.</p> <p>P = Permitted outright</p> <p>CU = Permitted as an Administrative Conditional Use</p> <p>RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46</p> <p>X = Prohibited</p>			

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to standards in Section 23.45.545, if applicable:

1. Private garages and carports;
2. Private, permanent swimming pools, hot tubs and other similar uses;
3. Solar collectors, including solar greenhouses;
4. Open wet moorage accessory to residential structures;
5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;
6. Bed and breakfasts in a dwelling unit that is at least five years old;
7. Recycling collection stations;
8. Urban farms with planting area not more than 4,000 square feet. Urban farms

with greater than 4,000 square feet of planting area may be allowed as an administrative conditional use to any use permitted outright or as a conditional use. The Director may grant, condition or deny a conditional use permit in accordance with subsection 23.52.051.B; and

9. Accessory dwelling units.

D. Heat recovery incinerators may be permitted as accessory administrative conditional uses, pursuant to Section 23.45.506.

E. Ground floor commercial use and other retail uses.

1. Drive-in businesses are prohibited, either as a principal or accessory use.

2. The following uses are permitted as ground-floor commercial uses in Lowrise 2 and Lowrise 3 zones located within an Urban Center or the Station Area Overlay District, and in Midrise and Highrise zones pursuant to Section 23.45.532((3));

a. Business support services;

b. Food processing and craft work;

c. General sales and services;

d. Medical services;

e. Offices;

f. Restaurants; ~~((and))~~

g. Live-work with one of the uses permitted in this subsection 23.45.504.E as the permitted commercial use((3));

h. General retail sales and services in a kiosk or similar temporary structure; and

i. Mobile food or other vendors using a cart, trailer, van, or similar vehicle.

~~((2. In MR zones, ground floor commercial uses are permitted only on a lot that is within 800 feet of a neighborhood commercial zone.))~~

Section 8. Section 23.45.532 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

23.45.532 Standards for ground floor commercial uses in LR, MR and HR zones

A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except medical service uses permitted pursuant to Section 23.45.506, shall meet the following conditions:

1. The commercial use is permitted only on the ground floor of a structure. On sloping lots, the commercial use may be located at more than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint, excluding the area of a use listed in subsection 23.45.504.E.2.h or 23.45.504.E.2.i. See Exhibit A for 23.45.532.

2. The gross floor area of any one business establishment can be no greater than 4,000 square feet, except that the gross floor area of a multi-purpose retail sales establishment may be up to 10,000 square feet.

B. No loading berths are required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.

C. Identifying business signs are permitted pursuant to Chapter 23.55, Signs.

D. Uses consistent with subsections 23.45.504.E.2.h or 23.45.504.E.2.i are exempt from front and street setback provisions of the underlying zone.

Section 9. Section 23.45.545 of the Seattle Municipal Code, which section was enacted by Ordinance 123495, is amended as follows:

Section 23.45.545 Standards for certain accessory uses

* * *

I. In Lowrise zones, lots that include rowhouse and townhouse units each may include accessory dwelling units as follows:

1. No more than one accessory dwelling unit shall be located on a lot or unit lot.

2. The principal structure on the lot or unit lot shall include (~~(one and)~~) only one dwelling unit other than the accessory dwelling unit, which other dwelling unit is referred to in this subsection 23.45.545.I as the "principal unit".

3. The owner of the lot or unit lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

4. Maximum gross floor area:

a. The maximum gross floor area of an accessory dwelling unit is 650 square feet;

b. The gross floor area of the accessory dwelling unit may not exceed 40 percent of the total gross floor area in residential use on the lot, or unit lot, exclusive of garages, storage sheds, and other non-habitable spaces.

5. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse unit and the rear lot line.

6. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different facade than the primary entry to the principal unit; or

c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

7. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

8. Parking. Parking is not required for an accessory dwelling unit.

Section 10. Section 23.47A.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

23.47A.005 Street-level uses

1 A. The requirements of this Section 23.47A.005 apply in addition to the other applicable
2 requirements of this Title 23.

3 B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing
4 facade in a structure that contains more than one residential dwelling unit.

5 C. Residential uses at street level.

6 1. ~~((Residential uses are generally permitted anywhere in a structure in NC1,~~
7 ~~NC2, NC3 and C1 zones, except as provided in subsections 23.47A.005.C.2 and~~
8 ~~23.47A.005.C.3.))~~

9 ~~((2.))~~ In all neighborhood commercial and C1 zones, ((R))residential uses may
10 ~~((not))~~ occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade
11 in the following circumstances or locations:

12 a. In a pedestrian-designated zone, facing a designated principal pedestrian
13 street; or

14 b. Within the Bitter Lake Village Hub Urban Village; or

15 c. Within the Lake City Hub Urban Village, except as provided in
16 subsection 23.47A.005.C.~~((4))~~2; or

17 d. Within a zone that has a height limit of 85 feet or higher, except as
18 provided in subsection 23.47A.005.C.2; or

19 e. Within an NC1 zone, except as provided in subsection 23.47.005.C.2; or

20 f. Within the Northgate Overlay District, except as provided in 23.71.044.

21 2. ((3. Residential uses may not exceed, in the aggregate, 20 percent of the street-
22 level street-facing facade if facing an arterial or within a zone that has a height limit of 85 feet or
23 higher, except that there is no limit on residential uses in the following circumstances or
24 locations:)) Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of
25 residential uses in the following circumstances:

1 a. Within a very low-income housing project existing as of May 1, 2006,
2 or within a very low-income housing project replacing a very low-income housing project
3 existing as of May 1, 2006 on the same site; or ((-))

4 b. The residential use is an assisted living facility or nursing home and
5 private living units are not located at street level; or ((-))

6 c. ~~((Within the Station Area Overlay District, in which case Chapter 23.61~~
7 ~~applies.))~~

8 ~~((4. Residential uses may occupy 100 percent of the street level street-~~
9 ~~facing façade in a structure if the))~~ Within a structure that:

10 ~~((a-))~~ 1) ((F)) is developed and owned by the Seattle Housing
11 Authority; and

12 ~~((b-))~~ 2) ((F)) is located on a lot zoned NC1 or NC3 that was owned
13 by the Seattle Housing Authority as of January 1, 2009;

14 ~~((e. Is not located in a pedestrian-designated zone or a zone that~~
15 ~~has a height limit of 85 feet or higher; and))~~

16 ~~((d. Does not face a designated principal pedestrian street.))~~

17 ~~((5))~~ 3. Additions to, or on-site accessory structures for, existing single-family
18 structures are permitted outright.

19 ~~((6))~~ 4. Where residential uses at street level are limited to 20 percent of the street-
20 level street-facing façade, such limits do not apply to residential structures separated from the
21 street lot line by an existing structure meeting the standards of this ~~((s))~~ Section 23.47A.005 and
22 Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

23 ***

24 Section 11. Section 23.47A.008 of the Seattle Municipal Code, which section was last
25 amended by Ordinance 122935, is amended as follows:

23.47A.008 Street-level development standards

A. Basic street-level requirements.

1. The provisions of this subsection apply to:

- a. Structures in NC zones;
- b. Structures that contain a residential use in C zones; and
- c. Structures in C zones across the street from residential zones.

2. Blank facades.

a. For purposes of this section, facade segments are considered blank if they do not include at least one of the following:

- 1) Windows;
- 2) Entryways or doorways;
- 3) Stairs, stoops, or porticos;
- 4) Decks or balconies; or
- 5) Screening and landscaping on the facade itself.

b. Blank segments of the street-facing facade between 2 feet and 8 feet above the sidewalk may not exceed 20 feet in width.

c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

3. Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

B. Nonresidential street level requirements.

1. The provisions of this subsection and subsection 23.47A.008.A apply to:

- a. Structures with street-level nonresidential uses in NC zones;
- b. Structures with street-level nonresidential uses that also contain residential uses in C zones; and

1 c. Structures with street-level nonresidential uses in C zones across the
2 street from residential zones.

3 2. Transparency.

4 a. Sixty percent of the street-facing facade between 2 feet and 8 feet above
5 the sidewalk shall be transparent.

6 b. Transparent areas of facades shall be designed and maintained to allow
7 unobstructed views from the outside into the structure or, in the case of live-work units, into
8 display windows that have a minimum 30-inch depth.

9 3. The following height and depth provisions apply to new structures or new
10 additions to existing structures:

11 a. Nonresidential uses shall extend an average of at least 30 feet and a
12 minimum of 15 feet in depth from the street-level street-facing facade. If the combination of the
13 street-facing facade requirement of subsection 23.47A.008.D.1 and this depth requirement would
14 result in a requirement that an area greater than 50 percent of the structure's footprint be
15 dedicated to nonresidential use, the Director may modify the street-facing facade or depth
16 requirements, or both, so that no more than 50 percent of the structure's footprint is required to
17 be nonresidential.

18 b. ~~((Nonresidential uses at))~~ The street level of all structures, regardless of
19 use, shall have a floor-to-floor height of at least 13 feet.

20 C. In pedestrian-designated zones, the provisions of subsections 23.47A.008.A and
21 23.47A.008.B and the following apply:

22 1. A minimum of 80 percent of the width of a structure's street-level street-facing
23 facade that faces a principal pedestrian street shall be occupied by uses listed in 23.47A.005.D.1.
24 The remaining 20 percent of the street frontage may contain other permitted uses and/or
25 pedestrian entrances (see Exhibit A for 23.47A.008).

2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1.

D. ~~((The provisions of this subsection apply to structures with residential uses located along a street-level street-facing facade))~~ Where ((1. R)) residential uses are ((limited to 20% of)) located along a ((the)) street-level street-facing facade pursuant to ((under)) subsection 23.47A.005.C.1((D;)) the following requirements apply:

1. ((2;)) At least one of the street-level street-facing facades containing a residential use shall have a visually prominent pedestrian entry; and

2.((3;)) The floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.

E. When a live-work unit is located on a street-level street-facing facade, the provisions of subsections 23.47A.008.A and 23.47A.008.B apply, and the portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit.

F. The Director may allow departures from street-level requirements of this section for projects that are not subject to the Design Review process, as a Type I decision, if the Director

determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. maintain pedestrian access to the structure;
2. maintain urban form consistent with adjacent structures;
3. maintain the visibility of nonresidential uses;
4. maintain the privacy of residential uses; or
5. allow the continued use of an existing structure without substantial renovation.

Section 12. A new Subchapter II and a new Section 23.52.008 are added to Chapter 23.52 of the Seattle Municipal Code as follows:

23.52 Transportation Concurrency, ~~((Project Review System))~~ and Impact Mitigation

Subchapter I Transportation Concurrency Project Review System

* * *

Subchapter II Transportation Impact Mitigation

23.52.008 Transportation Impact Mitigation

A. Applicability. The requirements of this Section 23.52.008 apply to new development as described in Table A for 23.52.008. New development that is subject to SEPA environmental review per SMC Chapter 25.05 is exempt from this Subchapter II.

Table A for 23.52.008

**DEVELOPMENT LOCATION AND SIZE RANGES WHERE THE REQUIREMENTS
OF SECTION 23.52.008 APPLY**

<u>Applicable Zones, When Located Within an Urban Center or Station Area Overlay District</u>	<u>Applicable Size Range, When Located in a Mixed- Use Development</u>	
	<u>Number of Dwelling Units</u>	<u>Amount of Non- Residential Space (square feet)</u>

<u>LR1</u>	<u>7 to 200</u>	<u>4,001 to 75,000</u>
<u>LR2, LR3, NC1, NC2, NC3, C1,</u> <u>C2, MR, HR, SM</u>	<u>31 to 200</u>	<u>12,001 to 75,000</u>
<u>DOC1, DOC2, DMC, DMR, DH1,</u> <u>DH2, IDM, IDR, PSM, PMM</u>	<u>81 to 250</u>	<u>12,001 to 75,000</u>

B. Authority.

1. The Director may require a transportation impact evaluation for permit applications for which this subsection 23.52.008.B.1 is applicable pursuant to subsection 23.52.008.A. The Director shall determine the scope and level of detail of the evaluation based on the probable impacts and/or scale of the proposed development. Analysis or discussion of the following topics and other elements may be required:

- a. Number of additional daily and peak hour vehicular trips;
- b. Likely distribution of project traffic;
- c. Availability and expected usage of transit;
- d. Existing vehicular, pedestrian, and bicycle conditions, including access and connections to transit and bicycle facilities;
- e. Accident history.

2. The Director in consultation with the Director of Transportation may condition permit approval, as a Type I decision, based on the results of a transportation impact evaluation, to mitigate or prevent identified impacts. Mitigation may include, but is not limited to:

- a. changes in access;
- b. changes in the location, number and size of curb cuts and driveways;
- c. provision of transit incentives, including transit pass subsidies;
- d. bicycle parking, and shower facilities for bicycle commuters;
- e. signage, including wayfinding;

1 f. improvements to vehicular, pedestrian and bicycle traffic operations
2 including signalization, turn channelization, right-of-way dedication, street widening, pedestrian
3 and bicycle facilities improvements, pedestrian lighting, or other improvements proportionate to
4 the impacts of the project;

5 g. transportation management plans;

6 h. Parking management strategies including, but not limited to, unbundling
7 parking from building-space leases, reduced fees for long-term parking, reserved parking spaces
8 for vanpools, and reduction in the amount of parking to be provided; and

9 i. Participation in transportation mitigation payment program or
10 transportation management association, where available.

11 Section 13. Section 23.54.015 of the Seattle Municipal Code, which section was last
12 amended by Ordinance 123649, is amended as follows:

13 **23.54.015 Required Parking**

14 A. Minimum parking requirements. The minimum number of off-street motor vehicle
15 parking spaces required for specific uses is set forth in Table A for 23.54.015 for nonresidential
16 uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for
17 23.54.015 for institutional uses, except as otherwise provided in this Section 23.54.015 and
18 Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use
19 within a structure and the square footage of a use when located outside of an enclosed structure,
20 or as otherwise specified. Exceptions to the parking requirements set forth in this section are
21 provided in subsection 23.54.015.B and in Section 23.54.020, Parking quantity exceptions,
22 unless otherwise specified. This chapter does not apply to parking for construction activity,
23 which is regulated by ((SMC)) Section 23.42.044.

24 B. Parking requirements for specific zones.
25
26
27
28

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this Section 23.54.015.

2. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016 (~~and not by this Section 23.54.015~~)).

3. Parking in the Northgate Overlay District is regulated by Chapter 23.54 except as modified by Section 23.71.016.

4. No parking is required for single-family residential uses in single-family zones on lots less than 3,000 square feet in size or 30 feet in width where access to parking is permitted through a required yard abutting a street according to the standards of subsection 23.44.016.B.2.

5. No parking is required for urban farms or community gardens in residential zones.

Table A for ((Section)) 23.54.015				
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS				
Use				Minimum parking required
I. General Nonresidential Uses (other than institutions)				
A.	AGRICULTURAL USES			1 space for each 2,000 square feet
B.	COMMERCIAL USES			
	B.1.	Animal shelters and kennels		1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments		1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)		For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a	Adult cabarets	1 space for each 250 square feet
		B.3.b	Sports and recreation uses	1 space for each 500 square feet
	B.4.	Food processing and craft work		1 space for each 2,000 square feet

**Table A for ((Section)) 23.54.015
 PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS**

Use				Minimum parking required
	B.5.	Laboratories, research and development		1 space for each 1,500 square feet
	B.6.	Lodging uses		1 space for each 4 rooms; For bed and breakfast facilities in single family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms
	B.7.	Medical services		1 space for each 500 square feet
	B.8.	Offices		1 space for each 1,000 square feet
	B.9.	Sales and services, automotive		1 space for each 2,000 square feet
	B.10.	Sales and services, general, except as noted below		1 space for each 500 square feet
		B.10.a.	Pet Daycare Centers (2)	1 space for each 10 animals or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 animals.
	B.11.	Sales and services, heavy		1 space for each 2,000 square feet
	B.12.	Sales and services, marine		1 space for each 2,000 square feet
C.	HIGH IMPACT USES			1 space for each 2,000 square feet
D.	LIVE-WORK UNITS			0 spaces for units with 1,500 square feet or less; 1 space for each unit greater than 1,500 square feet; 1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use
E.	MANUFACTURING USES			1 space for each 2,000 square feet
F.	STORAGE USES			1 space for each 2,000 square feet
G.	TRANSPORTATION FACILITIES			
	G.1.	Cargo terminals		1 space for each 2,000 square feet
	G.2.	Parking and moorage		
		G.2.a.	Principal use parking	None
		G.2.b.	Towing services	None
		G.2.c.	Boat moorage	1 space for each 2 berths
		G.2.d.	Dry storage of boats	1 space for each 2,000 square feet

Table A for ((Section)) 23.54.015			
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS			
Use			Minimum parking required
	G.3.	Passenger terminals	1 space for each 100 square feet of waiting area
	G.4.	Rail transit facilities	None
	G.5.	Transportation facilities, air	1 space for each 100 square feet of waiting area
	G.6.	Vehicle storage and maintenance uses	1 space for each 2,000 square feet
H.	UTILITIES		1 space for each 2,000 square feet
II. Nonresidential Use Requirements ((with Locational Criteria)) <u>For Specific Areas</u>			
I.	Nonresidential uses (other than institutions) in urban centers or the Station Area Overlay District (3)		No minimum requirement
J.	<u>Nonresidential uses in commercial and industrial zones outside of urban centers and the Station Area Overlay District, if the nonresidential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the nonresidential use. (3)</u>		<u>No minimum requirement</u>
((J-))K.	Nonresidential uses (other than institutions) permitted ((in)) on the ground floor in <u>LR</u> , <u>MR</u> and <u>HR</u> zones pursuant to Section 23.45.504.		No minimum requirement

Footnotes for Table A for ((Section)) 23.54.015

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An

**Table A for ((Section)) 23.54.015
 PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS**

Use	Minimum parking required
<p>application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.</p> <p>(2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.</p> <p>(3) The general requirements of lines A through H of Table A for ((Section)) 23.54.015 is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a nonresidential use fits within more than one line in Table A for ((Section)) 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of nonresidential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.</p>	

**Table B for 23.54.015:
 PARKING FOR RESIDENTIAL USES**

Use	Minimum parking required
I. General Residential Uses	
A. Adult family homes	1 space for each dwelling unit
B. Artist's studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading

**Table B for 23.54.015:
 PARKING FOR RESIDENTIAL USES**

Use	Minimum parking required
	and unloading space
D. Caretaker's quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 residents
F. Cottage housing developments	1 space for each dwelling unit
G. Floating homes	1 space for each dwelling unit
H. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I. Multifamily residential uses, except as provided in Sections ((B or C)) II or III of this Table B for 23.54.015. (1)	1 space per dwelling unit.
J. Nursing homes (2)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
K. Single-family dwelling units	1 space for each dwelling unit
II. Residential Use Requirements ((with Location Criteria)) For Specific Areas	
L. <u>All ((R))residential uses ((in commercial and multifamily zones)) within urban centers or within the Station Area Overlay District (1)</u>	No minimum requirement
M. <u>All ((R))residential uses ((in commercial and multifamily zones)) outside of urban centers and the Station Area Overlay District, ((within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is)) when located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use. (1)</u>	No minimum requirement
N. Multifamily ((residential uses)) <u>dwelling units</u> within the University of Washington parking impact area shown on Map A for 23.54.015 (1)	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus .25 spaces per bedroom for dwelling units with 3 or more

**Table B for 23.54.015:
 PARKING FOR RESIDENTIAL USES**

Use	Minimum parking required
	bedrooms
O. Multifamily dwelling units within the Alki area shown on Map B for ((Section)) 23.54.015 (1)	1.5 spaces for each dwelling unit
III. Multifamily Residential Use Requirements with Income Criteria	
P. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income (3), for the life of the building (1)	0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
Q. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income (3), for the life of the building (1)	0.75 spaces for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
R. Low-income disabled multifamily residential uses (1) (3)	1 space for each 4 dwelling units
S. Low-income elderly/low-income disabled multifamily residential uses (1) (4)	1 space for each 5 dwelling units
<u>T. Low-income elderly multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District</u>	<u>1 space for each 6 dwelling units</u>

Footnotes for Table B for ((Section)) 23.54.015:

(1) The general requirement of line I of Table B for ((Section)) 23.54.015 for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B for ((Section)) 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section ((B))II of Table B for ((Section)) 23.54.015 requires more parking than line I, the parking requirement in line I does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

(2) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the

**Table B for 23.54.015:
 PARKING FOR RESIDENTIAL USES**

Use	Minimum parking required
conditions change, the standard requirements shall be met.	
(3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Recorder a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.	

**Table C for ((Section)) 23.54.015
 PARKING FOR PUBLIC USES AND INSTITUTIONS**

Use	Minimum parking required
<u>I. General Public Uses and Institutions</u>	
A. Adult care centers (1), (2)	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
B. Child care centers (1), (2), (3)	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
C. Colleges	A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
D. Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) (1), (4)	1 space for each 555 square feet; or For family support centers, 1

**Table C for ((Section)) 23.54.015
 PARKING FOR PUBLIC USES AND INSTITUTIONS**

	Use	Minimum parking required
		space for each 100 square feet
E.	Community clubs, and community centers not owned and operated by DOPAR (1), (5)	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
F.	Hospitals	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
G.	Institutes for advanced study, except <u>in single family zones</u> ((as provided in line H below))	1 space for each 1,000 square feet of offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats
H.	Institutes for advanced study in single family zones (existing) (1)	3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater
I.	Libraries (1) (6)	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria

**Table C for ((Section)) 23.54.015
 PARKING FOR PUBLIC USES AND INSTITUTIONS**

	Use	Minimum parking required
		and public meeting rooms
J.	Museums	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
K.	Private clubs	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
L.	Religious facilities (1)	1 space for each 80 square feet of all auditoria and public assembly rooms
M.	Schools, private elementary and secondary (1)	1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member
N.	Schools, public elementary and secondary (7) (8)	1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site
O.	Vocational or fine arts schools	1 space for each 2 faculty that the

**Table C for ((Section)) 23.54.015
 PARKING FOR PUBLIC USES AND INSTITUTIONS**

	Use	Minimum parking required
		facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

II. General Public Uses and Institutions ((with Locational Criteria)) For Specific Areas

P.	General public uses, ((and)) institutions <u>and Major Institution uses</u> in urban centers or the Station Area Overlay District (9)	No minimum requirement
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Footnotes for Table C for ((Section)) 23.54.015:

- (1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570. The Director, in consultation with the Director of ((the Seattle Department of)) Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.
- (2) The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.
- (3) A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.
- (4) When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to ((Section)) subsection 23.54.020.I.
- (5) Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one parking space for every eight fixed seats. Each 20 inches of width of bleachers shall be counted as one fixed seat for the

**Table C for ((Section)) 23.54.015
 PARKING FOR PUBLIC USES AND INSTITUTIONS**

Use	Minimum parking required
<p>purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one space for each 350 square feet.</p> <p>(6) When a library is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements according to ((Section)) <u>subsection 23.44.022.L</u>.</p> <p>(7) For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Table A for <u>23.54.015</u> for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.</p> <p>(8) Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.</p> <p>(9) The general requirement of lines A through O of Table C for ((Section)) 23.54.015 for general public uses, ((and)) institutions, <u>and requirements of Section 23.54.016.B for Major Institution uses</u> ((is)) <u>are</u> superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, <u>institution</u> or <u>Major</u> ((i)) <u>Institution use</u> fits within more than one line in Table C for ((Section)) 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.</p>	

Section 14. Section 23.54.016 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.54.016 Major Institutions—Parking and transportation((:))

Major Institution uses are subject to the following transportation and parking requirements:

A. General Provisions.

1. Minimum requirements for parking quantity are established in subsection 23.54.016.B ~~((of this section))~~.

2. The maximum number of spaces provided for the Major Institution use shall not exceed ~~((one hundred thirty five (35)))~~ 135 ~~((%))~~ percent of the minimum requirement, ~~((except))~~ unless additional spaces are approved through administrative or Council review as provided in subsection 23.54.016.C ~~((of this section))~~. For a Major Institution use in an urban center or Station Area Overlay District, the maximum limit shall not exceed 135 percent of the minimum parking requirements calculated pursuant to subsection 23.54.016.B.2.

3. Parking requirements for Major Institutions with more than one ~~((4))~~ type of institutional use (for example, a hospital and a university), if applicable, shall be calculated for each use separately, and then added together to derive the total number of required spaces.

4. When a permit application is made for new development at an existing Major Institution that is not located in an urban center or Station Area Overlay District, parking requirements shall be calculated both for the entire Major Institution and for the proposed new development. If there is a parking deficit for the entire institution, the institution shall make up a portion of the deficit in addition to the quantity required for the new development, according to the provisions of subsection 23.54.016.B.3 ~~((5 of this section))~~. If there is a parking surplus ~~((%))~~ above the maximum allowed number of spaces ~~((%))~~ for the institution as a whole, ~~((requirements))~~ required amounts of parking for new development will first be applied to the surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted only when no surplus remains.

5. When determining parking requirements, individuals fitting into more than one ~~((4))~~ category (for example, a student who is also an employee or a faculty member who is also a doctor) shall not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking Quantity Required. ~~((The minimum number of parking spaces required for a Major Institution shall be as follows:))~~

1. In urban centers and the Station Area Overlay District, no parking is required for Major Institution uses.

2. For all other Major Institutions the minimum number of parking spaces required is as follows:

~~((4))~~ a. Long-term Parking.

~~((a))~~ 1) Medical Institutions. A number of spaces equal to ~~((eighty~~ ~~))80((+))~~ percent of hospital-based doctors; plus ~~((twenty-five~~ ~~))25((+))~~ percent of staff doctors; plus ~~((thirty~~ ~~))30((+))~~ percent of all other employees present at peak hour;

~~((b))~~ 2) Educational Institutions. A number of spaces equal to ~~((fifteen~~ ~~))15((+))~~ percent of the maximum students present at peak hour, excluding resident students; plus ~~((thirty~~ ~~))30((+))~~ percent of employees present at peak hour; plus ~~((twenty-five~~ ~~))25((+))~~ percent of the resident unmarried students; plus one ~~((4))~~ space for each married student apartment unit.

~~((2))~~ b. Short-term Parking.

~~((a))~~ 1) Medical Institutions. A number of spaces equal to one ~~((4))~~ space per six ~~((6))~~ beds; plus one ~~((4))~~ space per five ~~((5))~~ average daily outpatients;

~~((b))~~ 2) Educational Institutions. A number of spaces equal to five ~~((5))~~ percent of the maximum students present at peak hour excluding resident students.

1 ((3-))c. Additional Short-term Parking Requirements. When one ((4-)) of
2 the following uses is a Major Institution use, the following additional short-term parking
3 requirements shall be met. Such requirements may be met by joint use of parking areas and
4 facilities if the Director determines that the uses have different hours of operation according to
5 ((Section)) subsection 23.54.020.G:

6 ((a-))1) Museum. One ((4-)) space for each ((two hundred fifty
7)250((+)) square feet of public floor area;

8 ((b-))2) Theater, Auditorium, or Assembly Hall. One ((4-)) space
9 for each ((two hundred +))200((+)) square feet of audience assembly area not containing fixed
10 seats, and one ((4-)) space for every ((ten +))10((+)) seats for floor area containing fixed seats;

11 ((c-))3) Spectator Sports Facility Containing Fewer than ((Twenty
12 Thousand +))20,000((+)) Seats. One ((4-)) space for each ((ten +))10((+)) permanent seats and one
13 ((4-)) space for each ((one hundred +))100((+)) square feet of spectator assembly area not
14 containing fixed seats;

15 ((d-))4) Spectator Sports Facility Containing ((Twenty Thousand
16 +))20,000((+)) or More Seats. One ((4-)) space for each ((ten +))10((+)) permanent seats and one
17 ((4-)) bus space for each ((three hundred +))300((+)) permanent seats.

18 ((4-))d. Bicycle Parking. Bicycle parking meeting the development
19 standards of subsections 23.54.015.K.2 through 23.54.015.K.((—))6 and subsection
20 23.54.016.D.2 ((of this section)) shall be provided in the following quantities:

21 ((a-))1) Medical Institutions. A number of spaces equal to two
22 ((2-)) percent of employees, including doctors, present at peak hour;

23 ((b-))2) Educational Institutions. A number of spaces equal to ((ten
24 +))10((+)) percent of the maximum students present at peak hour plus five ((5-)) percent of
25 employees.

1 If at the time of application for a master use permit, the applicant can demonstrate that
2 the bicycle parking requirement is inappropriate for a particular institution because of
3 topography, location, nature of the users of the institution or other reasons, the Director may
4 modify the bicycle parking requirement.

5 ~~((5.))~~3. Parking Deficits. In addition to providing the minimum required parking
6 for a new structure, five ~~((5))~~ percent of any vehicular or bicycle parking deficit as determined
7 by the minimum requirements of this subsection 23.54.016.B, existing on the effective date of
8 the ordinance codified in this section¹, shall be supplied before issuance of a certificate of
9 occupancy.

10 C. Requirement for a Transportation Management Program.

11 1. When a Major Institution proposes parking in excess of ~~((one hundred thirty-~~
12 ~~five-))~~135~~((+))~~ percent of the applicable minimum requirement for short-term parking spaces
13 calculated pursuant to subsections 23.54.016.A and 23.54.016.B, or when a Major Institution
14 prepares a master plan or applies for a master use permit for development that would provide
15 ~~((require twenty-))~~20~~((+))~~ or more parking spaces or increase the Major Institution's number of
16 parking spaces by ~~((twenty-))~~20~~((+))~~ or more above the level existing on May 2, 1990, a
17 transportation management program shall be required or an existing transportation management
18 program shall be reviewed and updated. The Director shall assess the traffic and parking impacts
19 of the proposed development against the general goal of reducing the percentage of the Major
20 Institution's employees, staff and/or students who commute in single-occupancy vehicles (SOV)
21 during the peak period to ~~((fifty-))~~50~~((+))~~ percent or less, excluding those employees or staff
22 whose work regularly requires the use of a private vehicle during working hours.

23 2. Transportation management programs ~~((shall be))~~ are prepared and
24 implemented in accordance with the Director's Rule governing Transportation Management
25
26
27
28

1 Programs. The Transportation Management Program shall be in effect upon Council adoption of
2 the Major Institution master plan.

3 ***

4 4. Through the process of reviewing a new or updated transportation management
5 program in conjunction with reviewing a master plan, the Council may approve in excess of
6 ~~((one hundred thirty-five-))~~135~~((+))~~ percent of the minimum requirements for long-term parking
7 spaces, or may increase or decrease the required ~~((fifty-))~~50~~((+))~~ percent SOV goal, based upon
8 the Major Institution's impacts on traffic and opportunities for alternative means of
9 transportation. Factors to be considered shall include, but not be limited to:

10 a. Proximity to a street with ~~((fifteen-))~~15~~((+))~~ minute transit service
11 headway in each direction;

12 b. Air quality conditions in the vicinity of the Major Institution;

13 c. The absence of other nearby traffic generators and the level of existing
14 and future traffic volumes in and through the surrounding area;

15 d. The patterns and peaks of traffic generated by Major Institution uses
16 and the availability or lack of on-street parking opportunities in the surrounding area;

17 e. The impact of additional parking on the Major Institution site;

18 f. The extent to which the scheduling of classes or work shifts reduces the
19 transportation alternatives available to employees and/or students or the presence of limited
20 carpool opportunities due to the small number of employees; and

21 g. The extent to which the Major Institution has demonstrated a
22 commitment to SOV alternatives.

23 5. The provision of short-term parking spaces in excess of ~~((one hundred thirty-~~
24 ~~five-))~~135~~((+))~~ percent of the minimum requirements established in subsection 23.54.016.B.2
25 ~~((of this section))~~ may be permitted by the Director through preparation or update of a
26
27
28

Transportation Management Program. In evaluating whether to allow more than ~~((one hundred thirty-five ()))~~135((~~9~~)) percent of the minimum, the Director, in consultation with the Director of ~~((Seattle Department of))~~ Transportation ~~((and Metropolitan King County))~~, shall consider evidence of parking demand and opportunities for alternative means of transportation. Factors to be considered shall include but are not necessarily limited to the criteria contained in subsection 23.54.016.D ~~((of this section))~~ and the following:

a. The nature of services provided by Major Institution uses which generate short-term parking demand; and

b. The extent to which the Major Institution manages short-term parking to ensure its availability to meet short-term parking needs.

Based on this review, the Director shall determine the amount of additional short-term parking to be permitted, if any.

Section 15. Subsection F of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.54.020 Parking quantity exceptions

F. Reductions to minimum parking requirements.

1. When parking is required, ~~((R))~~reductions to minimum parking requirements permitted by this subsection 23.54.020.F will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection 23.54.020.F may not exceed 40 percent.

~~((2. Transit Reduction.~~

~~a. In multifamily and commercial zones, the minimum parking requirement for all uses is reduced by 20 percent if the use is located within 1,320 feet of a street~~

1 ~~with frequent transit service. This distance will be the walking distance measured from the~~
2 ~~nearest transit stop to the lot line of the lot containing the use.~~

3 ~~b. In industrial zones, the minimum parking requirement for a~~
4 ~~nonresidential use is reduced by 15 percent if the use is located within 1,320 feet of a street with~~
5 ~~peak transit service headways of 15 minutes or less. This distance will be the walking distance~~
6 ~~measured from the nearest transit stop to the lot line of the lot containing the use.))~~

7 ~~((3.))~~2. For new or expanding offices or manufacturing uses that require 40 or
8 more parking spaces, the minimum parking requirement may be reduced by up to a maximum of
9 40 percent by the substitution of alternative transportation programs, according to the following
10 provisions:

11 a. For every ~~((certified))~~ carpool space accompanied by a cash fee,
12 performance bond or alternative guarantee acceptable to the Director, the total parking
13 requirement will be reduced by 1.9 spaces, up to a maximum of 40 percent of the parking
14 requirement. ~~((The Director will consult with the Director of the Seattle Department of~~
15 ~~Transportation in certifying carpool spaces and the location of carpool parking.))~~

16 b. For every ~~((certified))~~ vanpool purchased or leased by the applicant for
17 employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the
18 total parking requirement will be reduced by six spaces, up to a maximum of 20 percent of the
19 parking requirement. ~~((Before a certificate of occupancy may be issued, details of the vanpool~~
20 ~~program shall be specified in a Memorandum of Agreement executed between the proponent, the~~
21 ~~Director, and the Director of the Seattle Department of Transportation.))~~

22 c. If transit or transportation passes are provided with a 50 percent or
23 greater cost reduction to all employees in a proposed structure for the duration of the business
24 establishment(s) within it, or five years, whichever is less, and if transit service is located within
25 800 feet, the parking requirement shall be reduced by 10 percent. With a 25 percent to 49 percent

cost reduction, and if transit service is located within 800 feet, the parking requirement shall be reduced by 5 percent.

d. For every four covered bicycle parking spaces provided, the total parking requirement shall be reduced by one space, up to a maximum of 5 percent of the parking requirement, provided that there is access to an arterial over improved streets.

Section 16. Section 23.55.002 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.55.002 Scope of provisions((:))

A. The provisions of this ((e))Chapter 23.55 ((shall)) apply to signs in all zones, except those zones regulated by Chapter 23.66, Special Review Districts, or where the provisions of this Chapter 23.55 are superseded by Section 23.69.021 pertaining to signs in the Major Institution Overlay District.

Section 17. Section 23.55.003 of the Seattle Municipal Code, which section was last amended by Ordinance 120466, is amended as follows:

23.55.003 Signs prohibited in all zones((:))

A. The following signs ((shall be)) are prohibited in all zones:

1. Flashing signs;

2. Signs ((which)) that rotate or have a rotating or moving part or parts that revolve at a speed in excess of seven ((7)) revolutions per minute;

3. Signs attached to or located on stationary motor vehicles, equipment, trailers, and related devices, except for:

a. signs ((not exceeding)) up to ((five-)) 5((:)) square feet in area and relating to the sale, lease or rent of a motor vehicle to which the signs are attached; or

b. signs allowed by subsection 23.55.012.B.2;

4. Portable signs other than readily detachable signs having a fixed base or mounting for the placement and intermittent use of such signs;

5. Banners, streamers, strings of pennants, fabric signs, festoons of lights, clusters of flags, wind-animated objects, balloons, searchlights, and similar devices, except where the principal use or activity on the lot is outdoor retail sales in NC3, C1, C2 and downtown zones, and except where permitted as temporary signs ~~((under))~~ pursuant to Section 23.55.012.

6. Signs that attempt or appear to attempt to direct the movement of traffic or that interfere with, imitate or resemble any official traffic sign, signal or device.

7. Signs using a video display method, except as provided in ~~((s))~~ Section 23.55.005, Video display methods.

Section 18. Section 23.55.012 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

23.55.012 Temporary signs permitted in all zones~~((s))~~

A. Real estate "for sale," "for rent" and "open house" temporary signs, temporary signs identifying the architect, engineer or contractor for work currently under construction, and temporary noncommercial messages displayed on fabric signs, flags or rigid signs shall be permitted in all zones at all times, provided they are not painted with light-reflecting paint or illuminated. The total area for these types of temporary signs in the aggregate shall not exceed ~~((eight-))~~ 8~~((+))~~ square feet per building lot in single-family zones, and ~~((twenty-four-))~~ 24~~((+))~~ square feet per building lot in all other zones, except as follows: the total area allowed for noncommercial messages may increase to a maximum of ~~((eight-))~~ 8~~((+))~~ square feet per dwelling unit for use by the occupant of that dwelling unit; and in buildings where there are eight ~~((8))~~ dwelling units or more, a real estate banner not exceeding ~~((thirty-six-))~~ 36~~((+))~~ square feet

may be permitted for one ~~((4))~~ nine ~~((9))~~ month period starting from the date of the issuance of the certificate of occupancy.

B. In addition to the signs described in subsection 23.55.012.A ~~((of this section above,))~~:

1. ~~((e))~~ Commercial or noncommercial messages may be displayed for a total of four ~~((4) fourteen)~~ 14 ~~((7))~~ consecutive day periods a calendar year; these additional four ~~((4))~~ periods are the maximum, whether the message is the same message or a different message, subject to the following ~~((7))~~:

a. ~~((These m))~~ Messages may be displayed on banners, streamers, strings of pennants, fabric signs, festoons of lights, flags, wind-animated objects, rigid signs, balloons, searchlights, portable signs attached to vehicles, or devices of a carnival nature, and shall be allowed as temporary signs in all zones.

b. The total area for all temporary signs per ~~((fourteen))~~ 14 ~~((7))~~ day period, when combined with those signs authorized under subsection 23.55.012.A ~~((of this section))~~, in the aggregate shall not exceed ~~((thirty-two))~~ 32 ~~((7))~~ square feet per building lot for signs made of rigid material, with no dimension greater than ~~((eight))~~ 8 ~~((7))~~ feet, and ~~((one hundred))~~ 100 ~~((7))~~ square feet per building lot for temporary signs not made of rigid material; provided that the total area allowed for noncommercial messages may increase to a maximum of ~~((thirty-two))~~ 32 ~~((7))~~ square feet per dwelling unit, with no dimension greater than ~~((eight))~~ 8 ~~((7))~~ feet, for signs made of rigid material, and ~~((one hundred))~~ 100 ~~((7))~~ square feet per dwelling unit for temporary signs not made of rigid material, all for use by the occupant of that dwelling unit. No individual sign made of nonrigid material may exceed ~~((thirty-six))~~ 36 ~~((7))~~ square feet.

2. Signs for temporary uses are limited to wall signs. In the aggregate, signs for temporary uses may not exceed 32 square feet in area, with no dimension greater than 8 feet.

Temporary signs may be displayed for the duration of the permitted temporary use.

Section 19. Section 23.55.022 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.55.022 Signs in multifamily zones

E. In ~~((Midrise and Highrise))~~ all multifamily zones ~~((which))~~ that are not designated Residential-Commercial (RC), permitted ground-floor business establishments in multifamily structures may have one ~~((4))~~ electric or non-illuminated sign per street frontage. The sign may be a wall or projecting sign. The maximum area of each sign face ~~((shall be twenty-four (24)))~~ is limited to 24 square feet. The maximum height of any portion of the sign ~~((shall be fifteen (15)))~~ is limited to 15 feet.

Section 20. Section 23.55.024 of the Seattle Municipal Code, which section was last amended by Ordinance 120388, is amended as follows:

23.55.024 Signs in residential commercial (RC) zones((-))

B. Ground-floor business establishments may have one ~~((4))~~ electric or non-illuminated wall sign or projecting sign per street frontage, located on the commercial portion of the structure.

Section 21. Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.76.004 Land use decision framework

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are decisions made by the Director that require the exercise of little or no discretion and that are not appealable to the Hearing Examiner. **Type II** decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in ~~((Section))~~ subsection 23.76.006.C.2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

Table A for 23.76.004

LAND USE DECISION FRAMEWORK

**DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER
 USE PERMITS**

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
* Compliance with development standards * Uses permitted outright * Temporary uses, ((four weeks or less)) <u>except temporary uses and facilities for light rail transit facility construction</u> * Intermittent uses * Interim use parking authorized under subsection 23.42.040.G	* Temporary uses ((;)) <u>and facilities for light rail transit facility construction</u> ((more than four weeks, except for temporary relocation of police and fire stations)) * Variances * Administrative conditional uses * Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals)	* Subdivisions (preliminary plats)

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
* Uses on vacant/underused lots per Section 23.42.038 * Certain street uses * Lot boundary adjustments * Modifications of features bonused under Title 24 * Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation * Temporary uses for relocation of police and fire stations * Exemptions from right-of-way improvement requirements * Special accommodation * Reasonable accommodation * Minor amendment to a Major Phased Development Permit * Determination of public benefit for combined lot FAR * Determination of whether an amendment to a Property Use and Development Agreement is major or minor * Streamlined design review,	* Short subdivisions * Special Exceptions * Design review, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested * Light rail transit facilities * The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) * Major Phased Development * Downtown Planned Community Developments	

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
pursuant to Section 23.41.018, if no development standard departures are requested		
* Other Type I decisions that are identified as such in the Land Use Code		

COUNCIL LAND USE DECISIONS

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
* Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023	* Land Use Code text amendments
* Public project approvals	* Area-wide amendments to the Official Land Use Map
* Major Institution Master Plans, including major amendments and renewal of a master plan's development plan component	* Concept approval for City facilities
* Major amendments to Property Use and Development Agreements	* Major Institution designations
* Council conditional uses	* Waiver or modification of development standards for City facilities
	* Planned Action Ordinance

Section 22. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, and temporary uses for ((four weeks)) one year or less not otherwise permitted in the zone except temporary uses and facilities for light rail transit facility construction.~~((, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, and temporary relocation of police and fire stations for 24 months or less;))~~

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):

- a. Determinations of Non-significance (DNS), including mitigated DNS;
- b. Determination that a final environmental impact statement (EIS) is adequate; and
- c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except

shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. ~~((Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the))~~
((e))Establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F(~~(, but excepting temporary relocation of police and fire stations for 24 months or less))~~);

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review, including streamlined design review pursuant to Section 23.41.018 if development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

1) Shoreline substantial development permits;

2) Shoreline variances;

3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination of project consistency with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004; and

k. Downtown planned community developments.

Section 23. A new Section 23.76.067 of the Seattle Municipal Code is adopted to read as follows:

23.76.067 Amendments pursuant to RCW 43.21C.420 (SEPA)

Unless an ordinance approving amendments to Title 23 expressly recites that the ordinance is intended to implement RCW 43.21C.420, the provisions of that statute do not apply to the ordinance.

Section 24. Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

23.84A.032 "R."

"Residential use" means any one or more of the following:

1. "Accessory dwelling unit" means one or more rooms that (a) are located within an owner-occupied dwelling unit, or within an accessory structure on the same lot or unit lot as an owner-occupied dwelling unit; (b) meet the standards of Section 23.44.041, ~~((or))~~ 23.45.545, or Chapter 23.47A as applicable; (c) are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and (d) are so occupied or vacant.

18. "Rowhouse Development" means a multifamily residential use in which all principal dwelling units on the lot meet the following conditions: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a

dwelling unit, (~~((including an accessory dwelling unit, but excluding garages))~~) except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit; (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling unit faces a street lot line; (e) each dwelling unit provides pedestrian access directly to the street that it faces; and (f) no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

20. "Townhouse Development" means a multifamily residential use that is not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

Section 25. Section 23.86.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123649 is amended as follows:

23.86.006 Structure height measurement

A. In all zones except downtown zones (~~((and zones within the South Lake Union Urban Center))~~), and except for the Living Building Pilot Program authorized by Section 23.40.060, unless otherwise specified, the height of structures shall be measured according to this subsection 23.86.006.A.

1 1. General rule. Except as otherwise specified, the height of a structure is the
2 difference between the elevation of the highest point of the structure not excepted from
3 applicable height limits and the average grade level. In this subsection 23.86.006.A, "average
4 grade level" means the average of the elevation of existing lot grades. Except as provided in
5 subsection 23.86.006.A.2, average grade level is calculated, at the discretion of the applicant, as
6 follows:

7 a. at the midpoint, measured horizontally, of each exterior wall of the
8 structure, or

9 b. at the midpoint of each side of the smallest rectangle that can be drawn
10 to enclose the structure.

11 2. Option for calculating average grade level to measure height. The calculation
12 of structure height in subsection 23.86.006.A.1 may be modified, at the discretion of the
13 applicant, as follows to permit the structure to respond to the topography of the lot:

14 a. Draw the smallest rectangle that encloses the principal structure.

15 b. Divide one side of the rectangle, chosen by the applicant, into sections
16 at least 15 feet in length using lines that are perpendicular to the chosen side of the rectangle.

17 c. The sections delineated in subsection 23.86.006.A.2.b are considered to
18 extend vertically from the ground to the sky.

19 d. The maximum height for each section of the structure is measured from
20 the average grade level for that section of the structure, which is calculated as the average
21 elevation of existing lot grades at the midpoints of the two opposing exterior sides of the
22 rectangle for each section of the structure.

23 B. Within the South Lake Union Urban Center, structure height may be measured, at the
24 applicant's option, using the method in either subsection 23.86.006.A or this subsection
25 23.86.006.B.

1. If using the methods in this subsection 23.86.006.B, structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement.

2. Existing or finished grade shall be established by drawing straight lines between the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a façade more than once, that contour line will be disregarded when establishing existing or finished grade.

Section 26. Section 23.91.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123546, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006 and 23.44.040, and Chapter 23.45), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);

3. Parking of vehicles in a single-family zone (Section 23.44.016) unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A; and

4. Keeping of animals (Section 23.42.050). (~~(; and)~~)

~~((5. Home occupations (Section 23.42.052).))~~

1 B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect,
2 limit or preclude any previous, pending or subsequent enforcement action or proceeding taken
3 pursuant to Chapter 23.90.

4 Section 27. Section 25.05.680 of the Seattle Municipal Code, which section was last
5 amended by Ordinance 119096, is amended as follows:

6 **25.05.680 Appeals((;))**

7 Appeal provisions in SEPA are found in RCW 43.21C.060, 43.21C.075, ((and))
8 43.21C.080, 43.21C.420, and WAC 197-11-680. The following provisions attempt to construe
9 and interpret the statutory and administrative rule provisions. In the event a court determines that
10 code provisions are inconsistent with statutory provisions or administrative rule, or with the
11 framework and policy of SEPA, the statute or rule will control. Persons considering either
12 administrative or judicial appeal of any decision which involves SEPA ((at all)) are advised to
13 read the statutory and rule sections cited above.

14 RCW 43.21C.420 bars certain SEPA appeals when the City has elected to adopt optional
15 elements of the City's Comprehensive Plan or development regulations pursuant to RCW
16 43.21C.420. Unless an ordinance enacting or amending the Comprehensive Plan or development
17 regulations expressly recites that it is being adopted pursuant to the authority of RCW
18 43.21C.420, RCW 43.21C.420 does not affect the availability of appeals. If RCW 43.21C.420
19 applies to a non-project environmental impact statement (EIS) as described in RCW 43.21C.420,
20 then unless the City Council by ordinance establishes a different time frame for submitting a
21 complete application for purposes of RCW 43.21C.420 (5) with respect to that EIS, the time
22 frame is twenty-four hours following the date of issuance of the final EIS.

23 ***

24 Section 28. Section 25.05.800 of the Seattle Municipal Code, which section was last
25 amended by Ordinance 123495, is amended as follows:

25.05.800 Categorical exemptions

The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction--- flexible thresholds.

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection ~~((A.2 of this Section))~~ 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential or mixed-use structures containing no more than the number of dwelling units identified in Table A for 25.05.800(~~(, except for lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an LRI or LR2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL if that street does not meet minimum width requirements in Section 23.53.015.A, then the level of exempt construction is 4 dwelling units for lots in an LR1 zone, and 6 dwelling units for lots in an LR2 zone))~~);

Table A for 25.05.800: Exemptions for Residential Uses

Residential Uses			
Number of Exempt Dwelling Units			
Zone			<u>For additions, modifications, demolitions, or replacement of non-landmarks that may meet landmark criteria in SMC 25.12</u>
	<u>Outside of Urban Centers and SAOD</u>	<u>Within Urban Centers or SAOD</u>	
SF, RSL	4	4	<u>4</u>
LR1	4	((6)) 200 ⁽¹⁾	<u>4</u>
LR2	6	((30)) 200 ⁽¹⁾	<u>4</u>
LR3	8	((30)) 200 ⁽¹⁾	<u>4</u>
NC1, NC2, NC3, C1, C2	4	((30)) 200 ⁽¹⁾	<u>4</u>
MR, HR, SM	20	((30)) 200 ⁽¹⁾	<u>4</u>
Downtown zones	Not Applicable	((80)) 250 ⁽¹⁾	<u>4</u>
Industrial zones	4	4	<u>4</u>

Notes for Table A for 25.05.800

SAOD = Station Area Overlay District((s)).

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

See Section 25.12 for more information about landmark criteria, and DPD Client Assistance Memo 3000.

(1) Pursuant to RCW 43.21C.229, in urban centers and the Station Area Overlay District, new residential and mixed-use development up to these threshold levels is categorically exempt from SEPA, as long as the urban center's or Station Area Overlay District's residential density targets stated in the Comprehensive Plan (in terms of dwelling units per acre) have not been achieved. See the Comprehensive Plan's Urban Village Element Appendix A, and see Director's Rule 17-2008 (or successor rule) on "SEPA Exemptions From Environmental Review Requirements When Establishing, Changing or Expanding a Use" for details on other rules pertaining to when SEPA review may be required.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the Table B for 25.05.800 below:

Table B for 25.05.800: Exemptions for Non-Residential Uses			
Zone	Non-Residential Uses		
	Exempt Area of Use (square feet of gross floor area)		
	Outside of Urban Centers and SAOD	Within Urban Centers or SAOD	For additions, modifications, demolitions, or replacement of non-landmarks that may meet landmark criteria in SMC 25.12
SF, RSL, LR1 (LR2, LR3)	4,000	4,000	4,000
<u>LR2, LR3</u>	4,000	((4,000)) 12,000 ⁽¹⁾ or 75,000 ⁽²⁾	4,000
MR, HR, NC1, NC2, NC3	4,000	12,000 ⁽¹⁾ or 75,000 ⁽²⁾	4,000
C1, C2, SM((C, Industrial)) zones	12,000	12,000 ⁽¹⁾ or 75,000 ⁽²⁾	4,000
<u>Industrial zones</u>	12,000	12,000	4,000
Downtown zones	Not Applicable	12,000 ⁽¹⁾ or 75,000 ⁽²⁾	4,000

Notes for Table B for 25.05.800. SAOD = Station Area Overlay District(s).
 Urban centers and urban villages are identified in the Seattle Comprehensive Plan.
 See Section 25.12 for more information about landmark criteria, and DPD Client Assistance Memo 3000.
(1) New development that is not mixed-use (e.g., does not contain new residential dwelling units) is categorically exempt from SEPA up to 12,000 square feet.
(2) Pursuant to RCW 43.21C.229, in urban centers and the Station Area Overlay District, commercial uses up to 75,000 square feet that are part of a new mixed-use development are categorically exempt from SEPA, as long as the urban center's or Station Area Overlay District's employment intensity targets stated in the Comprehensive Plan, in terms of employees per acre,

1 have not been achieved. See the Comprehensive Plan's Urban Village Element Appendix A, and
2 see Director's Rule 17-2008 (or successor rule) on "SEPA Exemptions From Environmental
3 Review Requirements When Establishing, Changing or Expanding a Use" for details on other
4 rules pertaining to when SEPA review may be required.

5 d. The construction of a parking lot designed for 40 or fewer automobiles,
6 as well as the addition of spaces to existing lots up to a total of 40 spaces;

7 e. Any landfill or excavation of 500 cubic yards or less throughout the
8 total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III
9 forest practice under regulations pursuant to RCW 76.09.050 (~~or regulations thereunder~~);

10 f. Mixed-use construction, including but not limited to projects combining
11 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
12 the criteria of subsections 25.05.800.A.2.a through A.2.d above, unless the uses in combination
13 may have a probable significant adverse environmental impact in the judgment of an agency with
14 jurisdiction (see ((~~Section~~)) subsection 25.05.305.A.2.b);

15 g. In zones not specifically identified in this subsection 25.05.800.A, the
16 standards for the most similar zone addressed by this subsection 25.05.800.A apply.

17 * * *

1 Section 29. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4
5 Passed by the City Council the ____ day of _____, 2011, and
6 signed by me in open session in authentication of its passage this
7 ____ day of _____, 2011.

8
9 _____
10 President _____ of the City Council

11
12 Approved by me this ____ day of _____, 2011.

13
14 _____
15 Michael McGinn, Mayor

16
17 Filed by me this ____ day of _____, 2011.

18
19 _____
20 City Clerk

21 (Seal)